



Mars Khaimov Law, PLLC

VIA ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/11/2024

Re: *Case 1:24-cv-01391-MKV Toro v. Bpa Sales, LP*
Plaintiff's Response to Order to Show Cause and Request for Extension of Time
to File Proof of Service

Dear Judge Vyskocil:

Plaintiff submits this letter respectfully in response to Your Honor's Order dated May 31, 2024, in which Your Honor generously granted Plaintiff a *sua sponte* extension to June 10, 2024 to effectuate service upon the Defendant.

Plaintiff has received notice that service was indeed completed upon the Defendant on the date of this letter, June 10, 2024. However, the process server has only provided an unsigned proof of service form thus far, attached herein for reference. Our office has reached out to the process server several times today, who has assured our office that the signed proof is upcoming shortly. However, it has not yet been received. As such, Plaintiff respectfully requests a short extension of time, up to and including June 14, 2024, to file the executed proof of service evincing service upon the Defendant. Plaintiff maintains that good cause exists for this short extension due to service indeed being completed by the Court's deadline of June 10, 2024, coupled with the fact that the provided proof of service by the server was unsigned.

Further, in light of Your Honor's threat to dismiss this action pursuant to FRCP 41b, Plaintiff's Counsel is obligated to provide Your Honor with Judge Caproni's Order to Show Cause dated May 17, 2024 from the matter of *Jones v. Lee & Low Books, Inc.*, 23-cv-7756. The Order to Show Cause is attached as an exhibit herein.

Thank you for your consideration of this matter.

Respectfully submitted,





Mars Khaimov Law, PLLC

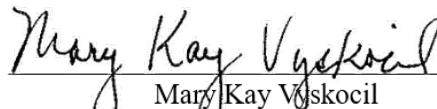
/s/ Mars Khaimov

Mars Khaimov, Esq.

Attorneys for Plaintiff

GRANTED. No further extensions will be granted. If Plaintiff fails to file the executed proof of service evincing service upon the Defendant on or before June 11, 2024, this case will be dismissed. SO ORDERED.

Date: 6/11/2024
New York, New York


Mary Kay Vyskocil
United States District Judge

